

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROSHA WILLIAMS
Plaintiff

vs.

MR. CELANI, et al.
Defendants.

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C.A. No. 09-47 Erie
Magistrate Judge Baxter

MEMORANDUM OPINION¹

Plaintiff, presently incarcerated at the SCI-Frackville in Frackville, Pennsylvania, filed this action *pro se* pursuant to 42 U.S.C. § 1983 on March 4, 2009. Plaintiff has filed a motion seeking leave to proceed in forma pauperis. Named as Defendants in this action are: Mr Celani, the Dentist; Warden Robert Shannon, and the Medical Department of SCI-Frackville. Plaintiff claims that Defendants violated his Eighth Amendment rights while he was incarcerated at SCI-Frackville.

Title 28 U.S.C. § 1404(a) provides that “for the convenience of the parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.”

Title 28 U.S.C. § 1391(b) provides that venue is proper in civil rights actions in (1) a judicial district where any defendant resides, if all defendants reside in the same state, or (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred. In this case, Defendants are not located within this District and the acts complained of did not occur within this District.

¹ In accordance with the provisions of 18 U.S.C. § 636(c)(1), Plaintiff has voluntarily consented to have a United States Magistrate Judge conduct proceedings in this case, including entry of a final judgment. Document # 2.

For the convenience of the parties, the Clerk of Courts is directed to transfer this action.
An appropriate order follows.

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ORDER

AND NOW, this 5th day of March, 2009;

IT IS HEREBY ORDERED that the Clerk of Courts is directed to transfer this case to the United States District Court for the Eastern District of Pennsylvania, FORTHWITH.

IT IS FURTHER ORDERED that the Order granting Plaintiff's motion for in forma pauperis status is withdrawn as that determination is best made by the Court in the Eastern District.

S/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
Chief United States Magistrate Judge